

## DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

米国特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書 (英語でご記入下さい)

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

下記の氏名の発明者として、私は以下の通り宣言します。私の住所、郵便物送付先、国籍は下記の私の氏名の後に記載された通りです。下記の名称の発明に関して請求の範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者（下記の氏名が複数の場合）であると信じています。

Title (発明の名称): POLY( $\beta$ -HYDROXY SHORT-MEDIUM CHAIN FATTY ACID)

of which is described and claimed in:

上記名称の発明を記述し特許請求する書類は、以下のいずれかです。

( ) the attached specification, or

本状に添付した明細書

( ) the specification in the application Serial No. \_\_\_\_\_ filed \_\_\_\_\_;

(上記日付) 提出の米国出願番号 (上記出願番号) で、

and with amendments through \_\_\_\_\_ (if applicable), or

(該当する場合) (上記日付等) に訂正された明細書

(X) the specification in International Application No. PCT/\_\_\_\_\_, filed September 1, 2004

and as amended on \_\_\_\_\_ (if applicable). JP2004/012638

(上記日付) 提出の特許協力条約に基づく国際出願番号PCT/ (上記出願番号) で、

(該当する場合) (上記日付等) に訂正された明細書

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

私は、特許請求の範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許性の有無について重要な情報を開示する義務があることを認めます。

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

私は、米国法典第35編119条（もし本願が意匠に関する出願の場合は172条）に基づき、下記の特許出願又は発明者証の出願についての優先権の利益をここに主張するとともに、優先権主張の基礎となる出願日を有する、本出願の前に出願された特許または発明者証の出願を以下にすべて、枠内をマークすることで示しています。

COUNTRY 国名	APPLICATION NO. 出願番号	DATE OF FILING 出願日	PRIORITY CLAIMED 優先権主張
Japan	2003-308933	September 1, 2003	Yes

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or 365(c) of any PCT international application designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which become available between the filing date of the prior application and the national or PCT international filing date of this application:

私は、米国法典第35編120条に基づいて下記の米国特許出願、又は米国を指定している特許協力条約365条(c)に基づく優先権をここに主張します。また、本出願の各請求の範囲の技術的事項が米国法典第35編112条第1段で規定された方法で先行する米国特許出願に開示されていない限り、当該先行出願の出願日以降で本出願の国内又はPCTに基づく国際出願の提出日までの期間中に入手できるようになった、連邦規則法典第37編1条56項で定義された特許性の有無に関する重要な情報について、開示義務があることを認識しています。


APPLICATION SERIAL NO. 出願番号	U.S. FILING DATE 米国出願日	STATUS: PATENTED, PENDING, ABANDONED 現状:特許許可済、係属中、放棄済

And I hereby appoint Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Warren M. Cheek, Jr., Reg. No. 33,367; Nils E. Pedersen, Reg. No. 33,145; Charles R. Watts, Reg. No. 33,142; and Michael S. Huppert, Reg. No. 40,268, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., as well as any other attorneys and agents associated with Customer No. 000513, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

私は、本出願の審査及び本出願に関連するすべてのビジネスに関わる手続きを米国特許商標局に対して遂行するため、共同で WENDEROTH, LIND & PONACK, L.L.P. 法律事務所を構成している Michael R. Davis (登録番号第25,134号)、Matthew M. Jacob (登録番号第25,154号)、Warren M. Cheek, Jr. (登録番号第33,367号)、Nils E. Pedersen (登録番号第33,145号)、Charles R. Watts (登録番号第33,142号) 及び Michael S. Huppert (登録番号第40,268号) 並びにカスタマー番号第000513号に付帯する他の弁護士及び弁理士を名いたします。

I hereby authorize the U.S. attorneys named herein to accept and follow instructions from **AOYAMA & PARTNERS** as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

私は、本願に関して米国特許商標局で行われるあらゆる手続行為に関し、ここに指名した米国弁護士を、弁護士と私との間で直接連絡をとることなく、(米国弁護士が連絡する相手先。一般には譲受人もしくは日本の代理人等)からの指示を受けそれに従うことを、ここに承認します。指示を送る者が変更される場合は、その旨を上記米国弁護士は私から告知されます。

Direct Correspondence to Customer No: (カスタマー番号)   <b>000513</b> PATENT TRADEMARK OFFICE	Direct Telephone Calls to: (連絡先電話番号)  WENDEROTH, LIND & PONACK, L.L.P. 2033 "K" Street, N.W., Suite 800 Washington, D.C. 20006-1021  Phone: (202) 721-8200 (電話番号) Fax: (202) 721-8250 (ファクシミリ番号)
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<b>Full Name of First Inventor</b> 第一発明者の氏名	<b>FAMILY NAME</b> 姓 USHIDA	<b>FIRST GIVEN NAME</b> 氏名 Kazunari	<b>SECOND GIVEN NAME</b> ミドルネーム等その他の氏名
<b>Residence &amp; Citizenship</b> 居住地及び国籍	<b>CITY</b> 市 Nishinomiya	<b>STATE OR COUNTRY</b> 州又は国名 Japan	<b>COUNTRY OF CITIZENSHIP</b> 国籍 Japan
<b>Post Office Address</b> 郵便物送付先	<b>ADDRESS</b> 住所 7-23, Nishimachi, Kayando, Nishinomiya-shi, Hyogo	<b>CITY</b> 市	<b>STATE OR COUNTRY</b> 州又は国名 Japan
			<b>ZIP CODE</b> 郵便番号 662-0098 Japan

<b>Full Name of Second Inventor</b> 第二発明者の氏名	<b>FAMILY NAME</b> 姓 KURIYAMA	<b>FIRST GIVEN NAME</b> 氏名 Masaki	<b>SECOND GIVEN NAME</b> ミドルネーム等その他の氏名
<b>Residence &amp; Citizenship</b> 居住地及び国籍	<b>CITY</b> 市 Otsu	<b>STATE OR COUNTRY</b> 州又は国名 Japan	<b>COUNTRY OF CITIZENSHIP</b> 国籍 Japan
<b>Post Office Address</b> 郵便物送付先	<b>ADDRESS</b> 住所 1-2-1-213, Taishogun, Otsu-shi Shiga	<b>CITY</b> 市	<b>STATE OR COUNTRY</b> 州又は国名 Japan
			<b>ZIP CODE</b> 郵便番号 520-2145 Japan

<b>Full Name of Third Inventor</b> 第三発明者の氏名	<b>FAMILY NAME</b> 姓	<b>FIRST GIVEN NAME</b> 氏名	<b>SECOND GIVEN NAME</b> ミドルネーム等その他の氏名	
<b>Residence &amp; Citizenship</b> 居住地及び国籍	<b>CITY</b> 市	<b>STATE OR COUNTRY</b> 州又は国名	<b>COUNTRY OF CITIZENSHIP</b> 国籍	
<b>Post Office Address</b> 郵便物送付先	<b>ADDRESS</b> 住所	<b>CITY</b> 市	<b>STATE OR COUNTRY</b> 州又は国名	<b>ZIP CODE</b> 郵便番号

<b>Full Name of Fourth Inventor</b> 第四発明者の氏名	<b>FAMILY NAME</b> 姓	<b>FIRST GIVEN NAME</b> 氏名	<b>SECOND GIVEN NAME</b> ミドルネーム等その他の氏名	
<b>Residence &amp; Citizenship</b> 居住地及び国籍	<b>CITY</b> 市	<b>STATE OR COUNTRY</b> 州又は国名	<b>COUNTRY OF CITIZENSHIP</b> 国籍	
<b>Post Office Address</b> 郵便物送付先	<b>ADDRESS</b> 住所	<b>CITY</b> 市	<b>STATE OR COUNTRY</b> 州又は国名	<b>ZIP CODE</b> 郵便番号

<b>Full Name of Fifth Inventor</b> 第五発明者の氏名	<b>FAMILY NAME</b> 姓	<b>FIRST GIVEN NAME</b> 氏名	<b>SECOND GIVEN NAME</b> ミドルネーム等その他の氏名	
<b>Residence &amp; Citizenship</b> 居住地及び国籍	<b>CITY</b> 市	<b>STATE OR COUNTRY</b> 州又は国名	<b>COUNTRY OF CITIZENSHIP</b> 国籍	
<b>Post Office Address</b> 郵便物送付先	<b>ADDRESS</b> 住所	<b>CITY</b> 市	<b>STATE OR COUNTRY</b> 州又は国名	<b>ZIP CODE</b> 郵便番号

<b>Full Name of Sixth Inventor</b> 第六発明者の氏名	<b>FAMILY NAME</b> 姓	<b>FIRST GIVEN NAME</b> 氏名	<b>SECOND GIVEN NAME</b> ミドルネーム等その他の氏名	
<b>Residence &amp; Citizenship</b> 居住地及び国籍	<b>CITY</b> 市	<b>STATE OR COUNTRY</b> 州又は国名	<b>COUNTRY OF CITIZENSHIP</b> 国籍	
<b>Post Office Address</b> 郵便物送付先	<b>ADDRESS</b> 住所	<b>CITY</b> 市	<b>STATE OR COUNTRY</b> 州又は国名	<b>ZIP CODE</b> 郵便番号

<b>Full Name of Seventh Inventor</b> 第七発明者の氏名	<b>FAMILY NAME</b> 姓	<b>FIRST GIVEN NAME</b> 氏名	<b>SECOND GIVEN NAME</b> ミドルネーム等その他の氏名	
<b>Residence &amp; Citizenship</b> 居住地及び国籍	<b>CITY</b> 市	<b>STATE OR COUNTRY</b> 州又は国名	<b>COUNTRY OF CITIZENSHIP</b> 国籍	
<b>Post Office Address</b> 郵便物送付先	<b>ADDRESS</b> 住所	<b>CITY</b> 市	<b>STATE OR COUNTRY</b> 州又は国名	<b>ZIP CODE</b> 郵便番号

I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

私は、私自身の知識に基づいて本宣言書中で私が行う表明が真実であり、かつ私の入手した情報と私の信じるところに基づく表明がすべて真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行えば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

1st Inventor U. Ushida  
第一発明者 (署名、ローマ字もしくは漢字) Kazunari USHIDA

Date 24/04/06  
署名の日付

2nd Inventor M. Kuriyama  
第二発明者 (署名、ローマ字もしくは漢字) Masaki KURIYAMA

Date April 24, 2006  
署名の日付

3rd Inventor \_\_\_\_\_  
第三発明者 (署名、ローマ字もしくは漢字)

Date \_\_\_\_\_  
署名の日付

4th Inventor \_\_\_\_\_  
第四発明者 (署名、ローマ字もしくは漢字)

Date \_\_\_\_\_  
署名の日付

5th Inventor \_\_\_\_\_  
第五発明者 (署名、ローマ字もしくは漢字)

Date \_\_\_\_\_  
署名の日付

6th Inventor \_\_\_\_\_  
第六発明者 (署名、ローマ字もしくは漢字)

Date \_\_\_\_\_  
署名の日付

7th Inventor \_\_\_\_\_  
第七発明者 (署名、ローマ字もしくは漢字)

Date \_\_\_\_\_  
署名の日付

The above application may be more particularly identified as follows:  
上記出願は、さらに具体的には以下のように特定されます。

U.S. Application Serial No. \_\_\_\_\_  
(上記出願日) 提出の米国特許出願第 (上記出願番号) 号

Filing Date March 1, 2006

Applicant Reference Number 546996  
出願人側整理番号 (上記番号)

Atty Docket No. 2006\_0286A  
米国弁護士側管理番号 (上記番号)

Title of Invention POLY (  $\beta$  -HYDROXY SHORT-MEDIUM CHAIN FATTY ACID)  
発明の名称

# ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned

Insert Name(s)  
of Inventor(s) Kazunari USHIDA and Masaki KURIYAMA

Insert Name(s)  
of Assignee(s) Earthus, Inc.

Address of 49, Ougincho, Hanazono, Ukyo-ku, Kyoto-shi, Kyoto  
616-8044 Japan  
(hereinafter designated as the Assignee) the entire right, title and interest for the United States as defined in 35 USC 100, in the invention known as

Title of  
Invention POLY (  $\beta$  -HYDROXY SHORT-MEDIUM CHAIN FATTY ACID )

for which an application for patent in the United States has been executed by the undersigned

Date of  
Signing  
of Application on April 24, 2006

The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing, divisional or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation, division or reissue thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patents of the United States resulting from said application or any division or divisions or continuing or reissue applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the firm of WENDEROTH, LIND & PONACK, L.L.P., 2033 K Street, N.W., Suite 800, Washington, D.C. 20006-1021, the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent Office for recordation of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date 24/04/06, Name of the Inventor K. Ushida Kazunari USHIDA

Date April 24, 2006, Name of the Inventor M. Kuriyama Masaki KURIYAMA

Date \_\_\_\_\_, Name of the Inventor \_\_\_\_\_

Date \_\_\_\_\_, Name of the Inventor \_\_\_\_\_

Date \_\_\_\_\_, Name of the Inventor \_\_\_\_\_

Date \_\_\_\_\_, Name of the Inventor \_\_\_\_\_

Date \_\_\_\_\_, Name of the Inventor \_\_\_\_\_

(This assignment should preferably be acknowledged before a United States Consul. If not, then the execution by the Inventor(s) should be witnessed by at least two witnesses who sign here.)

Witness \_\_\_\_\_

Witness \_\_\_\_\_

## ACKNOWLEDGMENT

\_\_\_\_\_  
\_\_\_\_\_ } ss

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came the above-named me personally known as the individual(s) who executed the foregoing assignment, who did acknowledge to me that he (they) executed the same of his (their) own free will for the purposes therein set forth.

SEAL

\_\_\_\_\_  
Official Signature

\_\_\_\_\_  
Official Title

The above application may be more particularly identified as follows:

U.S. Application Serial No. \_\_\_\_\_ Filing Date March 1, 2006

Applicant Reference Number 546996 Atty Docket No. 2006\_0286A

Title of Invention POLY (  $\beta$  -HYDROXY SHORT-MEDIUM CHAIN FATTY ACID)